

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 16, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Lisa Goldner and Debbie Scott were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the January 2, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the January 16, 2007 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR46-94082 NEW GRAPEVINE, INC. – Executive Secretary Choe recommended the Commission remand this application to the local board because the board did not vote on this renewal and there is a pending zoning issue that needs to be taken care of.

Vice Chairman Johnson moved to uphold the recommendation of the Hearing Judge and remand this matter to the local board. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred forty-six (346) renewals approved, fifty-six (56) new and/or transfer permits approved, one (1) permit approved for catering, three (3) permits approved for first year escrow, four (4) permits approved for second year escrow and two (2) permits approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR45-06542 BLACK CHERRI SPORTS BAR – Commissioner Guthrie moved to table this matter for further review. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR70-22824 KOKOLENE MARKETING LLC – Chairman Heath noted this is a new type 104 application with the local board voting two (2) to two (2).

Commissioner Guthrie stated that the reasons for the negative votes from the local board were based on the business not fitting the definition of a grocery store, the size of the business and the proximity to a liquor store. The Commissioner stated that this corporation owns numerous other businesses like this that hold alcoholic beverage permits and, therefore, Commissioner Guthrie moved to approve this application. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR43-94309 DNA PROPERTIES, LLC – Chairman Heath noted this is a type 210-1 renewal application with the local board voting four (4) to zero (0) to approve for one year.

Commissioner Guthrie moved to uphold the local board and approve this renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR29-22144 SITEWORKS REALTY CORPORATION – Chairman Heath noted this is a new type 210 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board and deny the new application. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL02-22850 LASSUS BROS OIL, INC. – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the local board's reasons for the denial were that the community does not desire to receive these services.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL46-22820 DWT, INC. – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the local board said that this establishment does not fit the definition of a grocery store, however, there are exhibits and pictures of the interior of the business that show this is a typical convenience store that the Commission has previously approved.

Commissioner Guthrie moved to overturn the local board and approve this new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR46-08657 SANTIAGO'S DOS, INC. – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board said that there is a question as to whether either stockholder is a resident. Also, the character and reputation of the owners is a concern. Finally, there is a question regarding falsification of the application.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Vice Chairman Johnson moved to make forty-seven (47) permits inactive. Eleven (11) permits are subject to auction and thirty-six (36) permit are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

RR18-10953 K.K.H & H, INC. – Commissioner Guthrie stated this permit was made inactive by the Commission. There appears to be an issue as to whether or not the Commission may have made the permit inactive in error.

Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER